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**Cc:** CN=Bruce Herbold/OU=R9/O=USEPA/C=US@EPA;CN=Carolyn  
Yale/OU=R9/O=USEPA/C=US@EPA;CN=Sam Ziegler/OU=R9/O=USEPA/C=US@EPA;CN=Tim  
Vendlinski/OU=R9/O=USEPA/C=US@EPA;CN=Tom Hagler/OU=R9/O=USEPA/C=US@EPA[];  
N=Carolyn Yale/OU=R9/O=USEPA/C=US@EPA;CN=Sam  
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Vendlinski/OU=R9/O=USEPA/C=US@EPA;CN=Tom Hagler/OU=R9/O=USEPA/C=US@EPA[];  
N=Sam Ziegler/OU=R9/O=USEPA/C=US@EPA;CN=Tim  
Vendlinski/OU=R9/O=USEPA/C=US@EPA;CN=Tom Hagler/OU=R9/O=USEPA/C=US@EPA[];  
N=Tim Vendlinski/OU=R9/O=USEPA/C=US@EPA;CN=Tom  
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**From:** CN=Erin Foresman/OU=R9/O=USEPA/C=US  
**Sent:** Mon 5/2/2011 7:00:59 PM  
**Subject:** Re: notes from the DSC/fed meeting 4/25/11 about Draft 3 of the Delta Plan  
<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>  
[http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Third\\_Staff\\_Draft\\_Delta\\_Plan\\_2011\\_04\\_22.pdf](http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Third_Staff_Draft_Delta_Plan_2011_04_22.pdf)  
<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>

It depends on what kind of review we're asked to do this time. I didn't read other agencies comments last time and I don't know if they stuck to the narrowly defined review parameters. For the limited 'direct conflict' review; I don't think we can add value by commenting on the water quality chapter.

If we want to support the direction DSC is headed or raise concerns about maybe some exempted actions, then I think we should comment. These are not direct conflicts but identifying loopholes that could weaken DSC's ability to protect the Delta.

DSC doesn't list commenters on their draft plans at their site. I can ask Terry whether or not they provided feedback. Terry mentioned that they met with state board.

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-----Karen Schwinn/R9/USEPA/US wrote: -----

To: Erin Foresman/R9/USEPA/US@EPA  
From: Karen Schwinn/R9/USEPA/US  
Date: 05/02/2011 11:33AM  
cc: Bruce Herbold/R9/USEPA/US@EPA, Carolyn Yale/R9/USEPA/US@EPA, Sam  
Ziegler/R9/USEPA/US@EPA, Tim Vendlinski/R9/USEPA/US@EPA, Tom Hagler/R9/USEPA/US@EPA  
Subject: Re: notes from the DSC/fed meeting 4/25/11 about Draft 3 of the Delta Plan

Thanks Erin -

What's your view on whether there's anything we ought to comment on in this draft?

Did the Regional or State Board comment?

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Erin Foresman---05/02/2011 11:13:27 AM---Hi Everyone,

From: Erin Foresman/R9/USEPA/US  
To: Karen Schwinn/R9/USEPA/US@EPA, Tom Hagler/R9/USEPA/US@EPA, Sam Ziegler/R9/USEPA/US@EPA, Tim Vendlinski/R9/USEPA/US@EPA, Bruce Herbold/R9/USEPA/US@EPA, Carolyn Yale/R9/USEPA/US@EPA  
Date: 05/02/2011 11:13 AM  
Subject: notes from the DSC/fed meeting 4/25/11 about Draft 3 of the Delta Plan

Hi Everyone,

I did a 'focused read' of the Draft 3 Delta Plan (I haven't read the whole thing yet) and note that it is much more developed than Draft 2. It is a longer document now, more text, fewer policies, more recommendations. I highly recommend reading chapters 4, 5, and 6 to everyone on the team, especially Tim. There is much more text now and it is helpful to see how they are writing up similar subject matter. It seems to be up-to-date, carries forward and further develops resource management choices reflected in the 2006 Envisioning Futures Report. Here are some specific things we discussed in the meeting. The water quality bullet is from my read of that chapter.

Here is a link to the latest, greatest, Draft 3 of the Delta Plan.  
[http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Third\\_Staff\\_Draft\\_Delta\\_Plan\\_2011\\_04\\_22.pdf](http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Third_Staff_Draft_Delta_Plan_2011_04_22.pdf)

Definitions of Covered Actions (Page 36). There are four requirements of 'covered actions.'

Will occur in whole or in part within the boundaries of the Delta or Suisun Marsh

Will be carried out, approved, or funded by the state or a local public agency

Is covered by one or more provisions of the Delta Plan

Will have a significant impact on the achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property, and state interests in the Delta."

There was discussion at the meeting addressing the fact that a number of actions occurring outside the Delta to SWP or CVP facilities, for example, could have a significant impact on the Delta but not be covered by DSC's Delta Plan due to this change.

Another measure of 'significance' to interpret.

Water Resources Policy 1 (page 47 worth a quick read) is supposed result in more detailed statements about 'water need' than are generally included in water contracts. Bit of a mixed message here, DSC staff also said that this should not be additional work for water users/exporters from the Delta b/c the information should already exist.

Water Resources Policy 4 (p 50 about flow criteria) -- a list of high priority tributaries the council feels require flow

criteria will be added to Draft 4.

Ecosystem Restoration Policy 2 - 5 (p 66-67) may have substantial impacts on land use and new development in floodplains.

For example, DSC staff reported that River Islands project (near Lathrop, existing candidate for elevation through CWA Section 404 due to wetland impacts) advocates are v. involved with DSC on this part of the plan.

DSC staff noted that the definition of "floodplain" has not been agreed upon yet after I asked if they were referring only to FEMA floodplains and noting that some subsea level islands are not considered in the floodplain because they have levee protection.

DSC staff also noted that the Delta Reform Act states the entire Delta is considered 'inherently flood prone.'

This chapter is a little hard to read b/c maps are missing. Need to haul out the ERP Conservation Strategy for State 2 Implementation for the Sacramento San Joaquin Delta Ecological Management Zone to connect the dots. I haven't done this yet.

Great background text provided in this section.

Ecosystem Restoration Recommendation 5 -- DSC will proceed with ecosystem and conveyance planning recommendations for the next 5-year planning cycle independent of BDCP if BDCP is not completed by 12/31/14.

Water Quality Chapter

There isn't anything new or different that DSC proposes to do wrt water quality. It has recommendations that the state and regional boards work hard to get their jobs done (protect designated uses, etc...) and meet the requirements of the CWA sooner than the boards predict they'll be able to complete their actions.

Removed the one policy it previously had and it now refers back to water resources policy four (it was essentially the same thing repeated in the last draft).

Though not explicitly stated, this draft reflects the concept that DSC responsibility to make 'consistency determinations' does not affect the state or regional board WQ role.

Included many of the comments we gave DSC on last review.

Now refers to ANPR effort

Organized around water for human use (drinking, irrigation, recreation) and 'environmental use' (aquatic resources).

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